

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ERIC J. LESANE,

Plaintiff,

-against-

**ANSWER TO COMPLAINT
ON BEHALF OF
DEFENDANT DEPUTY
WARDEN JOSEPH JONES**

DEPUTY WARDEN JONES, IN CHARGE OF G.R.V.C.
BING AREAS, DEPUTY DIAZ OF G.R.V.C., OFFICER
SANCHEZ #18617, 7 – 3 INTAKE OFFICER PART OF
PROBE TEAM, OFFICER K. HARRIS #15449, 2 –
BUILDING ESCORT OFFICER, OFFICER VILLETTE,
YARD OFFICER MORNING TOUR, CAPTAIN CORT,
3 – 7 TOUR AREA CAPT. FOR 2 – BLOCK, OFFICER
NIEVES #4508, 3 – 7 TOUR INTAKE OFFICER, PART OF
PROBE TEAM, INTAKE PROBE TEAM CAPTAIN
"JANE DOE," BLACK FEMALE ON THAT DAY, 3 –
7 TOUR, WARDEN SHAW OF G.R.V.C.,
DEPARTMENT OF CORRECTIONS,

08 CV 3990 (RMB) (KNF)
JURY TRIAL DEMANDED

Defendants.

-----X

Defendant Deputy Warden Joseph Jones ("Jones"), by his attorney, Kenneth V.

Gomez, for his answer to the Complaint, respectfully alleges as follows:

1. Denies the allegations set forth in paragraph "I" of the Complaint, except admit that plaintiff purports to name the party Deputy Warden Joseph Jones to this action as stated therein, and state, upon information and belief, that plaintiff is currently incarcerated at Rikers Island.

2. Denies the allegations set forth in paragraph "II-A" of the Complaint, except admit that plaintiff purports to proceed as stated therein.

3. Denies the allegations set forth in paragraph "II-B" of the Complaint, except admit that plaintiff purports to proceed as stated therein.

4. Denies the allegations set forth in paragraph "II-C" of the complaint, except admit that plaintiff purports to proceed as stated therein.

5. Denies the allegations set forth in paragraph "II-D" of the Complaint, except admit that plaintiff purports to proceed as stated therein.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "II-D(1)" of the Complaint.²

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "II-D(2)" of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "II-D(3)" of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "II-D(4)" of the Complaint.

² For the Court's convenience, defendant has numbered the handwritten pages to which plaintiff refers in paragraph "II-D" of the complaint and which are attached to the complaint. I have attached a copy of the complaint with those renumbered pages hereto as "Exhibit A."

I

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "II-D(5)" of the Complaint.

11. Denies the allegations set forth in paragraph "II-D(6)" of the Complaint.

12. Denies the allegations set forth in paragraph "II-D(7)" of the Complaint, except deny knowledge or information sufficient to form a belief as to the truth of the allegations concerning the existence of an alleged videotape.

13. Denies the allegations set forth in paragraph "II-D(8)" of the Complaint, except admit that plaintiff was placed on a stretcher and state that plaintiff concedes that he refused to obey a Correction Officer's instructions.

14. Denies the allegations set forth in paragraph "II-D(9)" of the Complaint.

15. Denies the allegations set forth in paragraph "II-D(10)" of the Complaint.

16. Denies the allegations set forth in paragraph "II-D(11)" of the Complaint.

17. Denies the allegations set forth in paragraph "II-D(12)" of the Complaint, except admits striking the plaintiff after the plaintiff cursed and spit upon Jones, denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning any letters plaintiff may have written to Warden Shaw, and admits that plaintiff was handcuffed.

18. Denies the allegations set forth in paragraph "II-D(13)" of the Complaint.

19. Denies the allegations set forth in paragraph "II-D(14)" of the Complaint.

20. Denies the allegations set forth in paragraph "II-D(15)" of the Complaint.

21. Denies the allegations set forth in paragraph "II-D(16)" of the Complaint.

22. Denies the allegations set forth in paragraph "II-D(17)" of the Complaint.

23. Denies the allegations set forth in paragraph "II-D(18)" of the Complaint, except state that plaintiff concedes that he told medical staff he was "alright."

24. Denies the allegations set forth in paragraph "II-D(19)" of the Complaint.

25. Denies the allegations set forth in paragraph "II-D(20)" of the Complaint.

26. Denies the allegations set forth in paragraph "II-D(21)" of the Complaint.

27. Denies the allegations set forth in paragraph "II-D(22)" of the Complaint.

28. Paragraph "II-D(23)" of the Complaint sets forth conclusions of law rather than averments of fact, to which no response is required. To the extent a response is required, defendant denies.

29. Denies the allegations set forth in paragraph "II-D(24)" of the complaint, except admits that plaintiff purports to proceed as stated therein.

30. Denies the allegations set forth in paragraph "III" of the Complaint, except denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning any alleged photographs or alleged medical treatment and/or examinations, and admits that plaintiff purports to claim injuries as stated therein.

31. Denies the allegations set forth in paragraph "IV" of the Complaint and all of its subparts, except denies knowledge or information sufficient to form a belief concerning who, if anyone, plaintiff allegedly informed regarding his claims, admits that there is grievance procedure at Rikers Island, and states that plaintiff concedes that he did not file a grievance in connection with the events described in the complaint.

32. Denies the allegations set forth in paragraph "V" of the Complaint, except admits that the plaintiff purports to seek relief as stated therein.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "VI" of the Complaint and all of its subparts.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

34. The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

35. Defendant Jones has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof, or any act of Congress providing for the protection of civil rights.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

36. Any injury alleged to have been sustained resulted from plaintiff's own culpable or negligent conduct or the culpable or negligent conduct of non-parties or third parties, and was not the proximate result of any act of the defendant Jones.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:

37. At all times relevant to the acts alleged in the Complaint, defendant Jones acted reasonably in the proper and lawful exercise of his discretion.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:

38. This action may be barred, in whole or in part, by the applicable statute of limitations.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:

39. Defendant Jones has not violated any clearly established constitutional or statutory rights of which a reasonable person would have known, and therefore are protected by qualified immunity.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:

40. Plaintiff provoked any incident involving defendant Jones.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE:

41. Plaintiff may have failed to comply with the provisions of New York

General Municipal Law § 50-e and § 50-i.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE:

42. Plaintiff may not have exhausted all administrative remedies available to him.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE:

43. Defendant Jones' conduct was justified and in accordance with Penal Law §35.10(2) and Correction Law 137(5).

WHEREFORE, defendant Deputy Warden Joseph Jones requests judgment dismissing the Complaint in its entirety, together with the costs and disbursements of this

action, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York
August 12, 2008

Law Offices of Kenneth V. Gomez
Attorney for Defendant
Deputy Warden Joseph Jones
600 Third Avenue, 15th Floor
New York, New York 10016
(212) 953-3500

By: 
Kenneth V. Gomez (KG-4620)

To: Mr. Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, NY 10007

Mr. Eric J. Lesane
Plaintiff Pro Se
9th Floor Side
Punitive Segregation
DIN # [REDACTED]
Manhattan Detention
Complex 125 White St.
New York, New York 10013

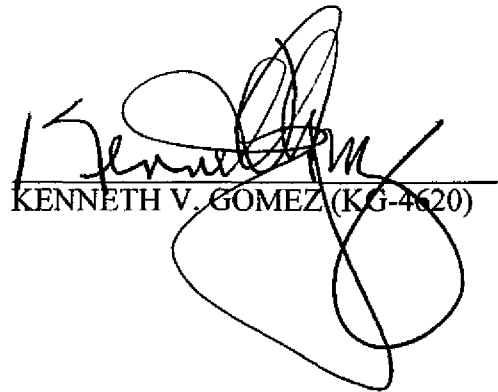
DECLARATION OF SERVICE BY MAIL

I, Kenneth V. Gomez, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on August 12, 2008, I served the annexed **ANSWER TO THE COMPLAINT ON BEHALF OF DEFENDANT DEPUTY WARDEN JOSEPH JONES**, upon the *pro se* plaintiff and the attorney for the City of New York herein, by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository opposite 600 Third Avenue, in the Borough of Manhattan, City of New York, directed to the persons and addresses set forth below, being the addresses designated by plaintiff and counsel for that purpose:

Mr. Eric J. Lesane
Plaintiff Pro Se
9th Floor Side
Punitive Segregation
DIN # [REDACTED]
Manhattan Detention Complex
125 White Street
New York, New York 10013

Mr. Brian Francolla
Assistant Corporation Counsel
Special Federal Litigation Division
100 Church Street
New York, NY 10007

Dated: New York, New York
August 12, 2008


KENNETH V. GOMEZ (KG-4620)

08 CV 3990

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKERIC J. LESANE
DETENTION

LOCAL RULE 33.2

(In the space above enter the full name(s) of the plaintiff(s).)

v.

2

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983

Jury Trial: Yes ☒ No ☐
(check one)Defendant No. 1 DEPUTY WARDEN JONES, in charge
OF GAVC BANG AREASDefendant No. 2 DEPUTY DIAZ OF GAVCDefendant No. 3 OFFICER SANCHEZ #186177-3 INTAKE OFFICER PART OF NREBC TEAMDefendant No. 4 OFFICER K. HARRIS #15449, 2-BuildingPRISON OFFICERDefendant No. 5 OFFICER VILLETTE, YARD OFFICERMORNING TOUR. "SEE ATTACHMENT"

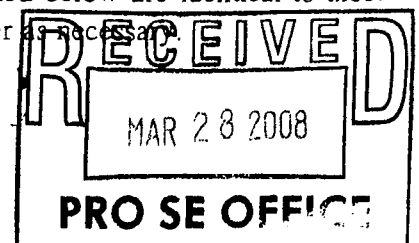
(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. No addresses should be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name ERIC J. LESANE
ID # 241-05-17065
Current Institution 1600 HAZEN STREET, E. ELMHURST, (OBCC)
Address 1600 HAZEN ST. E. ELMHURST, NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.



DEFENDANT NO. 6 CAPTAIN COET. 3-7 TOUR
AREA CAPT. FOR 2-15/06

DEFENDANT NO. 7 OFFICER NIEVES #4508
3-7 TOUR INTAKE OFFICER
PART OF PROBE TEAM.

DEFENDANT NO. 8 INTAKE PROBE TEAM CAPTAIN "JANE DOE"
BLACK FEMALE ON THAT DAY
3-7 TOUR.

DEFENDANT NO. 9 WARDEN SHAW OF CHIC

DEFENDANT NO. 10 DEPARTMENT OF CONNECTIONS

Defendant No. 1 Name Deputy WARDEN JONES Shield # _____
 Where Currently Employed G.R.V.C
 Address 09-09 HAZEN STREET, E. Elmhurst
NEW YORK 11370

Defendant No. 2 Name Deputy DIAZ Shield # _____
 Where Currently Employed (G.R.V.C) George R. Viano Center
 Address 09-09 HAZEN STREET, E. Elmhurst
NEW YORK 11370

Defendant No. 3 Name OFFICER SANCHEZ Shield # 18617
 Where Currently Employed (G.R.V.C) George R. Viano Center
 Address 09-09 HAZEN STREET, E. Elmhurst
NEW YORK, 11370

Defendant No. 4 Name OFFICER K. HARRIS Shield # 15449
 Where Currently Employed (G.R.V.C) George R. Viano Center
 Address 09-09 HAZEN STREET, E. Elmhurst
NEW YORK, 11370

Defendant No. 5 Name OFFICER V. HETIE Shield # _____
 Where Currently Employed (G.R.V.C) George R. Viano Center
 Address 09-09 HAZEN STREET, E. Elmhurst
NEW YORK, 11370

"SEE ATTACHMENT"

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? Rikers Island
George R. Viano Center 2-Block YARD, Hall, Medical Office - Housing Unit
- B. Where in the institution did the events giving rise to your claim(s) occur? IN THE
2-Block, Between YARD BACK, Hall, Medical Office AND A-Side
HOUSING AREA #5 Cell
- C. What date and approximate time did the events giving rise to your claim(s) occur? THE
INCIDENT TOOK PLACE TH 11th OF MARCH, 2008, 7-3 PM

1. Parties in this Complaint: Defendant, B.

DEFENDANT NO. 6 CAPTAIN CLAY

GEORGE R. VIERNO CENTER
09 09 HAZEN STREET
E. ELMHURST, NY 11370

DEFENDANT NO. 7 OFFICER NIEVES #4508

GEORGE R. VIERNO CENTER
09 09 HAZEN STREET
E. ELMHURST, NY 11370

DEFENDANT NO. 8 CAPTAIN JANE DOE 3-7700 INMATE 3/11/08

GEORGE R. VIERNO CENTER
09 09 HAZEN STREET
E. ELMHURST, NY 11370

DEFENDANT NO. 9 WARDEN SHAW OF GRUC

GEORGE R. VIERNO CENTER
09 09 HAZEN STREET
E. ELMHURST, NY 11370

DEFENDANT NO. 10 DEPARTMENT OF CORRECTIONS

RIEDEL ISLAND
16 16 HAZEN STREET
E. ELMHURST, NY 11370

D. Facts: _____

What
happened
to
you?

PLEASE SEE MY 11 PAGE ATTACHED STATEMENT
ALONG WITH THE NAMES OF TWO WITNESSES
AND THEIR (1) PAGE STATEMENTS GIVING ALL
THE FACTS ASKED IN THIS SECTION

Who
did
what?

ALSO A LETTER 2 PAGE FROM MY LAWYER.
TOTAL OF 13 PAGE'S ATTACHED

Was
anyone
else
involved?Who
else
saw
what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I RECEIVED BLACK-N-BLUE

MARKS TO BOTH SIDES OF MY FACE, ARMS, LEGS, BACK
AND BUTT-N-STILL SUFFER PAINS TO MY BACK --- BUTT.

I ALSO HAVE CUTS TO THE RISTE FROM THE CUFFS. PHOTOS
OF ALL WERE TAKEN BY THE I.G AND B.O.C OFFICER. I AM
STILL AWAITING EX-RAYS TWO WEEKS NOW LATER.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act of 1995, 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

II. Statement of Claim PT. D

12th of March, 2008

1) ON THE 12th of March, 2008, Approx: Between 07:30 hrs - 09:30 hrs, at C.M.C., Concentration Camp, 2 Block housing station yard. I WAS OUTSIDE IN REAR. I BANGED ON THE GATE TO GO BACK INSIDE MY HOUSING UNIT to my Cell #5 to (1) observe the Searching of my Cell and (2) because I WAS Cold and didn't have the proper clothes to stay out side.

2) At some point officer Vilette along with a female (Black) officer came out to see why I was banging and I informed them of the above and that I requested to speak to an area Captain which should of been on post because of two reasons, (1) I'm a C.M.C inmate and (two), to observe the rear in progress as a overseen rear Captain. I was charged.

01 of 11

3) After a few words with C.O Vilette and another officer name I couldn't see, He stated that "He was going to fuck me up" and that "At some point, he has a problem with the 3 Cells in 2 Block" AND I believe he said that because he just beat up the guy in 5 Cell on the B-side of 2 Block a week or two earlier in the same area as he did me (I didn't know that)

4) After they escorted the other 3 inmates into the housing area on the A side, they came out side

Three deep of officers and asked me if I was ready (3 meters etc) at that time I requested a Captain which came moments later. I informed Capt. Curt that the officers thinking to unlawfully chase him to me and that I wanted him to get the victim from. He escorted me back to my cell. This request was changed. "The officers here and then while the and Harris came and asked me if I was coming in. I then said yes. At this time they said "were not even going to cuff you - you know what to do" (please check the out side 2-Baker video N.Y.R. as proof that I was not cuffed after the 10 miles state they do) I enter the building in the blind spot in which they use to violate me and other prisoners. When I get between the guard area and housing area door I was jumped by being pushed and "kicked by these two officers and then cuffed". After, I was brought in the Hall of 2-Baker at the A-side door - B-side door and placed in the floor. The probe team came and they brought me to Room 101. At this time I began to go to my cell in fear of going to intake and being cuffed. More. They then changed me out the housing unit.

P2011

6)

5)

7) I don't know why he intake I gave him problem

with a cell came over he made stating he

bring me back to J-Bleek. I was by the mail

room and out of fear of being unfairly booked

I asked he has escaping officers he take me

he medical center, intake so I can attend

he agreed other people and they said they can't

be these of centers back to the center needed

Dr. by the mail room as people they didn't

even under stand why I was ordered back to

J-Bleek, we stood in the hall for about 2 mins

and at that moment I knew and anticipated in

getting rescheduled again because if didn't make any

sense logically to go back.

I advise he go back and was put in the speaker

and when back to he had on the bed in a

Black.

When I got back the probe beam was still in

the area and then Dept. Sheriff, Dept. Int., Intake

Capt. female Ginn and a number of officers and

there I was brought off video to the room - medical

office and a doctor came and asked me questions

about injuries I was told I spent my already

broken arm broken and I had injured to my back

and I walked x-rays.

10)

DEPT THOMAS told the "female doctor" that nothing was wrong with me. and she left and if nothing was documented, DEPT THOMAS was behind the falsifying of the medical report. Denying me medical treatment which is my right under the laws set from the Board of Correction minimum standard rights SECTION 302, subdivision (b) 3 and 4.

11)

DEPT THOMAS, DEPT DICE AND ALL THE OFFICERS there also violated my Eighth Amendment Constitution Right AND state law because they knew of and disregarded a risk to my well being which is a breach of the Creed of Care, Custody and Control because the Overseer officials that Govern me, purposely, Allowed me to go without necessary medical treatment.

p4 of 11

They knew I existed and chronic and substantial pains from the use of force. These are officials who with NO medical training, ignored my injuries and the Doctor recommendation of being me to the main medical area where intake. This is violation of my minimum standard rights Sec. 1-01-non-discriminatory treatment. This is Deliberate Indifference AND unlawful misconducts unbecoming an officer! NO other way to define it!!!

After the female doctor left the housing area, I was put back on the stretcher and taken to my housing area while being escorted by a number of officers. I had words with Dept. Thorne. He stated that if I kept talking he was going to knee my back out my back. I told him to "kiss my ass" at which time while Hand Cuffed behind my back with a vest on my right arm, feet shackled and a number of officers holding me down face down on the stretcher, he with a close fist punched me in the face over 13 times at which time I stop counting and it continued until Dept. Diaz told him to "quit", there's a recorder in the Area. Just to add, these are "VETERANS" of D.O.C. who were promoting these unlawful mistreatment and unnecessary hostile abuses to me and other inmates who also have high ranks within the department and have knowledge of the rules, regulations and laws, who know what rights inmates. But unfortunately, I was deprived of my rights not only again in court, but a human being and without sympathy or respect. Aiden Cress. There was Mr. Johnson for me to be assisted by this man, more so because I could not give a threat, to myself, another prisoner nor any staff, not even if I wish because I was being held by a number of officers, face down

05/01/11

12)

ON A STRETCHER, CUFFED HANDS - MY FEET
MY BACK THEREFORE I WAS INCAPABLE OF RESISTING
A FURTHER THAT BLATANT USE OF UNNECESSARY EX-
CESSIVE FORCE FOR NO OTHER REASON THAN TO EXTRACT
REVENGE. THIS IS A TRAGEDY, THAT HAS PARALYZED
ME MENTALLY - EMOTIONALLY, AND THE PERFORMANCE OF
THESE PEOPLE ARE UNACCEPTABLE AND I'M PERPLEXED
THEY'LL EVEN GET BETTER BECAUSE I'VE PERSONALLY WRITTEN
HE WRITING "SHAW" A NUMBER OF TIMES, INFORMING HIM
OF THE CONDUCTS TAKEN PLACE AT GARYS WHICH HE
IS IN COMMAND OF. (I HAVE COPIES) THEREFORE I
FEEL HE NOT ONLY CONTRIBUTES TO THESE ACTIONS, BUT
ALSO PROMOTES AND SPEARS THEM BY TURNING A BLIND
EYE TO MY PRAYS FOR REFORM AND HELP.

13) AFTER DEPT. DINE STATED THAT THERE WAS A D.V.R.
p674 IN THE AREA, DEPT. THOMAS ORDERED THE TWO OFFICERS NOW
TOLDING ME TO BRING ME OFF VIDEO INTO THE MINI
MEDICAL ROOM. I TRIED TO NOT GO BUT WAS OVER-
POWERED AND FORCED TO ENTER.

14) WHEN I WAS FORCED INTO THE MINI MEDICAL
OFFICE, OFF OF ANY VIDEO RECORDING SYSTEMS, I WAS
BEING OVER BY MY ARMS BEND OVER MY HEAD IN THE
AIR FORCING MY BODY TO BE OPEN TO SEARCH. AT THIS
TIME DEPT. THOMAS SAID "LOOK BACK THERE?", KISS YOUR
ASS? THEN HE PULLED DOWN MY SHORTS.

At this time, the big Spanish officer with the
 beard then that looks like who was escaping."
 me, I believe his name starts with the letter N
 and Dept Jones, "this and right" and to "chill out"
 Dept Jones and Dept Diaz join him "to just hold
 me" still with my hands in the air, and they started
 to beep with electronic. Dept Jones told him "why
 no one follows us now", and that's when I started
 to feel punches -- kicks on my head, back, butt and
 my legs.
 Then it stop and I notice Dept Diaz moving
 and Dept Jones came and put me in my butt with
 something "cell" that's why I think it was medical and
 he said again "kiss your ass" then he beat me with
 it then I started feeling him punch me again and
 if continue for about another minute, minute in
 a half while say all kinds of things in a rage.
 I would like to add that this man touching
 my butt was unnecessary and a form of sexually
 assaulting me. Also that fat officer Spanish
 on while that was holding me on the shoulder took
 his turn beating me in my ribs very hard and
 I think but I'm not sure how the one who
 grabbed my balls so hard that I started to pass out
 from the pain. Also a sexually assault. What's up
 with these people assaulting my private parts!!!

(16)

(15)

17) AFTER THIS, DEPT. JONES SAID "YOU WANT SOME?"
"WHO WANT SOME?" BUT I DONT KNOW WHO HE WAS
TALKING TO. BUT I STARTED TO GET HIT SOME MORE AND
THE WHOLE TIME MY CRIES TO STOP WERE IGNORED.

I KNOW FOR A FACT I WAS ASSAULTED BY AT
LEAST FIVE OF THE OFFICERS IN THAT ROOM AND
THERE WERE A NUMBER OF OFFICERS FROM THE PROBE
TEAM AND HOUSING AREA OUTSIDE THE OFFICE AND
LOOKING AND DID EN SAVED NOTHING TO STOP THIS
UNJUSTIFIABLE, UNLAWFUL MISCONDUCT UNBECOMING
OFFICER. EXCEPT THE BIG SPANISH OFFICER AND THE
"SMITHY" THE WHITE ESCORTING OFFICER FOR 2-BUILDING.

280912 Everyone else looked on, Captain CENT, THE BLACK
PROBE TEAM FEMALE CAPTAIN AND THE REST OF THE C.O.S
THERE. EVEN THE OFFICERS IN THE A-STATION BUBBLE
KNEW WHAT WAS TAKEN PLACE.

18) DEPT JONES TOLD "N" TO PUT ME ON THE FLOOR AND
HE SAID "THATS ENOUGH" AND AFTER THAT SOMEONE
SAID "OH" THE DOOR IS COMING. DEPT JONES
SAID "DONT SAY NOTHING" AND THEN DEPT DIAZ SAID
"PLEASE SAY SOMETHING" THE DOOR CAME IN AND
I SAID I WAS ALRIGHT, I JUST WANTED TO GO TO
MY PAT, THIS WAS BECAUSE I ^{FEARED} I WOULD
HAVE THE BEATING CONTINUED AND MAY EVEN GET
KILLED THE WAY THINGS WERE GOING.

19) I chose to be smart and yield to his model not to say nothing in order to protect my wellbeing or be humiliated by these chaotic misconducts. If I had unraveled my head from what was taken place I may be dead or in worse condition than I am in at this very moment which is bad enough.

20) When the doctor left I was stood up and told "Good bye" by Dr. Jones. No, it was by Dr. Jones. At this the caries thing happen Dr. Jones started looking around the room, asking people "did they see me spit on him?" we all looked at him like he was crazy. Then he asked again and I believe we all got the point and a few of them had the nerve to say they saw this. I NEVER AT NO TIME spit on this man. I wouldn't have any teeth in my mouth. I request that what ever he said I spit on be clear. Through the "Chain of Custody" for my D.N.A. because if I spit on him, my D.N.A. would be in what ever he said I spit on. Bottom line this is a plot to false statement only in order to cover up and justify there Russell which has not merit what-so-ever.

21) At this point I just wish this would end. Cause I had enough and couldn't take no more and my prayer was half way answered. I was ordered to say nothing and go to my cell. They started to take me to my cell, once in my cell all the cuffs were taken off and once again. Dept. Jones walked up to me and had something to say. He stated "heres your chance" I just stood there looking at him. He said "I knew you were pussy and smacked the shit out of me and my neighbor started kicking a banging on his wall and he left to say something to him. I was ordered to sit down and my door close and then it was over.

22) Total... I was assaulted four (4) different times. The housing officer told me I couldn't get the phone on orders of the Dept. (Jones) so I just sat on my bed and looked at my injuries.

23) My Eighth Amendment prohibits the unnecessary and wanted infliction of pain.

The Department staff is supposed to protect me from this type of treatment. The Constitution requires prison and jail officials to provide "reasonable safety" for prisoners. They supposed to protect me from assault by other inmates as well as inmate assault upon staff and from unnecessary beatings.

living and working conditions, and must refrain from subjecting them (me) to the unnecessary and excessive use of force.

you can see case law (Washington v. County of Winnebago, 90 Ill. Dec. 344, 135 Ill. App. 384, 481 N.E. 2d 1255, 1261 (Ill. App. 1985))

Regardless to say, I want and demand all parties that assaulted me be arrested and dismissed

from these duties in the Department of Correction at once. I do intend on filing suit and will be contacting the news to unveil the unlawfully

injustifiable abuses, improper performance and conducts that happen to me and others I know about and I can and will prove.

I anticipate on hearing something very soon from who ever just read this Notice of Corruption at this facility.

I Thank you for your time.

A prisoner but still human,
Eric from

ERIC LEONARD

2/1/05 1265

MARCH 12th 2008.

NOTE: 1 "N" = C.O. NIVES #4508
2 for SPANISH = C.O. SANCHEZ
3 K. HANALIS #15499 #18617

24)

P11911

On March 11, 2008 on 7-3 Tour while in yard my neighbor Eric Lesane was trying to go into the house area 2 Block A Side so he search and before that because he was cold he started banging on the yard gate to get the C.O. to come out to bring him in. C.O. Vilehe came out and told Lesane to stop banging then went inside again. Lesane started banging and kicking the gate again then C.O. Vilehe came back out with C.O. Harris and said if he keep banging they was going to fuck him up. Lesane said get him a captain. Then C.O. Vilehe told him he knows what to do when they bring him out the cage and to keep it gonna and don't say nothing.

moments later I was escorted back inside to my cell. The next time I saw Lesane he was being brought back to his cell by Earl Jones and a few officers. I think they hit him in his cell also because I heard a loud sound that sound like a smack or something and one of the officers say if he said anything hes done.

Benjamin Pedraza
241 27 01071
2 Block A Side
6 Cell

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). _____

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)? _____

D. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose not cover some of your claim(s)?

Yes ☐ No ☐ Do Not Know ☒

If YES, which claim(s)? _____

E. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

F. If you did file a grievance, about the events described in this complaint, where did you file the grievance? N/A

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. NONE. GRIEVANCE AT THE JAIL
WONT HANDLE ANY ISSUE OF PRISONERS THAT I.G. OFFICER,
ANY OTHER COT SIDE DEPARTMENTS ARE INTERVIEWING INTO

G. If you did not file a grievance, did you inform any officials of your claim(s)?

Yes ☒ No ☐

1. If YES, whom did you inform and when did you inform them? THE BOARD OF
Corrections, I.C., my lawyer, Robert T. Johnson Barry D.A
OFFICE, THE COMMISSIONER MARVIN F. HORN OFFICE, THE PRISONER
219-25 PRISONER'S BUDGET.

2. If NO, why not? _____

I. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. PLEASE NOTE, AT GEORGE R. V. ERIC CENTER, ASSAULT IN A
NON-GRIEVABLE ISSUE. ALSO I CONTACTED THE I.C. OFFICE AND
MEMBERS OF THE BOARD OF CORR. ALONG WITH THE WARDEN "SHAW"
OF THE FACILITY --- THE COMMISSIONER HIMSELF WAS GIVING NOTICE
TO LOOK INTO THE INCIDENT IN WHICH DEPT. WARDEN JONES WAS
DISMISSED FROM HIS DUTIES FOR THE TIME BEING BECAUSE THE
UNLAWFUL ASSAULT WAS CAUGHT ON VIDEO BY THE D.V.R.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies. → SEE ATTACHMENT

V. Relief:

State what you want the court to do for you. I'm FILING SUIT ON THE WHOLE
DEPARTMENT OF CORRECTIONS ALONG WITH THE OFFICERS THAT
ASSAULTED ME, ON --- OFF VIDEO RECORDINGS, AND THE
OFFICERS WHO STOOD BY AND DID NOTHING AND OR, TRYED TO
COVER UP THESE UNLAWFUL MISCONDUCTS UNBECOMING AN OFFICER
AND FOR THE THREATS, AND DEPRIVING ME FROM MY RIGHT
TO MEDICAL TREATMENT, ALL BREACHES OF THE CREED OF CORE
CUSTODY AND CONTROL FOR THE DISMISSAL OF THEIR JOBS AND
FIFTY MILLION DOLLARS \$50,000,000 NOT INCLUDING COURT
LAWYER, MEDICAL, ECT FEES.

I ALSO REQUEST ANOTHER \$20 MILLION FOR THE MENTAL-EM
OTIONAL DAMAGE --- SUFFERING ME --- MY FAMILY ARE
FORCE TO ENDURE BEHIND THESE OFFICER'S MISCONDUCTS

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

On
these
claims

NOTE; I.G. TURNED OVER THE FINDINGS TO THE
BRONX DISTRICT ATTORNEY'S OFFICE DUE TO
THE FINDING OF A CRIME TAKEN PLACE ON THE
CONDUCTED OFFICIAL MISCONDUCT.

THEREFORE I.G. NOR ANY, CRIMINAL COURT
AND WONT HANDLE ANY OF THE MATTERS SURROUNDING
THE FACTS OF THIS ISSUE.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES
(2 page document.)

PAPA, DePAOLA and BROUNSTEIN

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John P. Papa
John R. DePaola
Steven L. Brounstein

Madeline M. Wrzesc
Legal Assistant

John Kouroupas, Associate

March 14, 2008

VIA FACSIMILE 212-266-1219
& REGULAR MAIL
Commissioner of Corrections
Martin F. Horn
60 Hudson Street, 6th Floor
New York, New York 10013

Re: Inmate, Eric LaSane
Board Case # [REDACTED]

Dear Corrections Commissioner Horn:

I write concerning the brutal attack on my client by City of New York corrections officers allegedly caught on surveillance tape.

I have been informed by my client's mother, a City of New York teacher, that her son, while in handcuff's was stomped, kicked and punched by over a dozen correction officers. If these allegations are true these so called officers are nothing but thugs and cowards to brutalize an inmate while he is rear handcuffed and defenseless.

I have represented Mr. LaSane since December of 2005 through his mistrial in March of 2007 (where corrections officers took bets on whether he would be convicted or acquitted) through his last trial in November/December of 2007 where he was acquitted. I have seen first hand while visiting Mr. LaSane at Riker's Island the animus shown by correction officers and the disparaging comments correction officers have made to me concerning Mr. LaSane (namely, he is a trouble maker, wise guy, gang thug, has attitude problems not conducive to an inmate at Riker's Island etc.).

While Mr. LaSane may not be a model citizen or inmate he still has a right to his safety and not be attacked while in handcuffs and substantially defenseless. I request he be put in protective custody until his injuries heal or after I meet with Mr. LaSane which will hopefully be today.

I have contacted the Bronx District Attorney's office and have requested that they launch a criminal investigation into the allegations I have set forth above.

Please take notice that if Mr. LaSane is not protected from criminal elements of the City of New York Corrections Department this will be deemed to be deliberate indifference on your part and subject you to a lawsuit pursuant to 42 USC §1983 and the common law of the State of New York.

Please call me if you have any further questions.

Very truly yours,
PAPA, DEPAOLA AND BROUNSTEIN

By: JOHN R. DEPAOLA

JRD/ys

cc:

VIA FACSIMILE 718-590-6477

& REGULAR MAIL

Robert T. Johnson, Bronx District Attorney
Renne Montminy, Assistant District Attorney
Re: Eric LaSane at OBCC
Inmate # [REDACTED]
198 East 161st Street
Bronx, New York 10451

VIA FACSIMILE 212-266-1219

& REGULAR MAIL

Judith LaPook
60 Hudson Street, 6th Floor
New York, New York 10013

REGULAR MAIL

Ms. Alex Fisher, Esq.
60 Hudson Street, 6th Floor
New York, New York 10013

B. If your answer to A is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

D. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ____ No ____

E. If your answer to D is YES, describe each lawsuit in questions 1 through 7 on the next page. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to this previous lawsuit:

Plaintiff ERIC LOSANO

Defendants Department of Corr. Cmty. --- Capt. Denis

2. Court (if federal court, name the district; if state court, name the county) _____

SOUTHERN DISTRICT OF NEW YORK

3. Docket or Index number 07 CV 3226

4. Name of Judge assigned to your case HOLLAND

5. Approximate date of filing lawsuit: APR. 19th 2007

6. Is the case still pending? Yes ☒ No ☐ AS FAR AS I KNOW

If NO, give the approximate date of disposition _____

7. What was the result of the case? (for example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

Signed this 27 day of MARCH, 2008. I declare under penalty of perjury that the foregoing is true and correct.

Signature of Plaintiff

Inmate Number

Mailing address

Erc Lian
241 08 17065
RIVERS ISLAND O.B.C.C.
1600 HAZEN ST.
E. ELMHURST, N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 27 day of MARCH, 2008, I will deliver this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Erc Lian

